THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 29852 of 1998

Date: 10.10.2007

Between:

G.V.S. Prasada Sarma.

..... PETITIONER

AND

The State of A.P., rep. by its Secretary,
Irrigation and Command Area Development (Project
Wing) Department, Secretariat, Hyderabad
and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 29852 of 1998

Order:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in deleting the name of the petitioner from the list of eligible displaced persons on the ground that as on the date of passing the Awards he was minor, as illegal and arbitrary, and consequently to direct the respondents to include the name of the petitioner in the list of eligible displaced persons and consider his case for appointment to the post of Tracer/Draughtsman under the land oustees quota.

The petitioner states that the land admeasuring 0.50 cents in Survey No.757-A2-A, and the house bearing No.234-C, situated at Vandluru village, Kaluvai Mandal, Nellore District, which belonged to their family, was acquired by the Government for the purpose of Telugu Ganga Project in the year 1994. Thereafter, he made several representations requesting the respondents to provide him employment in the existing vacancies of Draughtsman post under the land oustees quota, but the respondents, having considered the cases of similarly situated persons, but failed to consider his case for appointment to any suitable post under the land oustees quota and they rejected his case on the ground that as on the date of passing the Awards he was minor, which is illegal and arbitrary. Hence, he filed the present writ petition seeking to direct the respondents to consider his case for appointment to the post of Tracer/Draughtsman under the land oustees quota.

Though the writ petition was admitted and interim orders were

passed by this Court on 25.02.1999, no counter affidavit is filed by the respondents denying the averments made by the petitioner in the affidavit filed in support of the writ petition, so far. Further, in spite of granting time on last occasion no counter affidavit is filed by the respondents, and on the other hand, when the matter is taken up for hearing today, Sri B. Saida, learned junior counsel appearing on behalf of the learned Government Pleader for Irrigation sought some more time for filing counter affidavit. It is very unfortunate to note that though the writ petition was admitted in the year 1999, till date the respondents have not chosen to file counter affidavit in the matter, and hence, no purpose would be served in keeping the writ petition pending any further. In the absence of any counter filed by the respondents rebutting the allegations made in the affidavit filed in support of the writ petition, this Court has no other alternative, except to presume that the averments made in the writ petition, are true and correct, and hold that the petitioner is entitled for the relief sought in the present writ petition.

Accordingly, the writ petition is allowed as prayed for. No costs.

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N.V. RAMANA, J.

Date: 10.10.2007
Nsr